

CLOSED,STAYED

**U.S. District Court  
District of Maryland (Baltimore)  
CIVIL DOCKET FOR CASE #: 1:09-cv-00217-WMN**

Potomac Navigation, Inc. v. United States Maritime  
Administration

Assigned to: Judge William M Nickerson

Related Cases: [1:07-cv-00602-WMN](#)

[1:08-cv-00717-WMN](#)

Cause: 05:552 Freedom of Information Act

Date Filed: 02/02/2009

Date Terminated: 10/04/2011

Jury Demand: None

Nature of Suit: 895 Freedom of  
Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Potomac Navigation, Inc.**

represented by **Alexander M Giles**  
Semmes Bowen and Semmes PC  
25 S Charles St Ste 1400  
Baltimore, MD 21201  
14105395040  
Fax: 14105395223  
Email: [agiles@semmes.com](mailto:agiles@semmes.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**United States Maritime Administration**

represented by **Larry D Adams**  
Office of the United States Attorney  
36 S Charles St Fourth Fl  
Baltimore, MD 21201  
14102094800  
Fax: 14109629947  
Email: [larry.adams@usdoj.gov](mailto:larry.adams@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/02/2009	<u>1</u>	COMPLAINT against United States Maritime Administration (Filing fee \$ 350, receipt #14367031466), filed by Potomac Navigation, Inc. (Attachments: # <u>1</u> Civil Cover Sheet)(raf, Deputy Clerk) (Entered: 02/03/2009)
02/03/2009	<u>2</u>	Summons Issued 60 days as to United States Maritime Administration, U.S. Attorney and U.S. Attorney General (rafs, Deputy Clerk) (Entered: 02/03/2009)
02/03/2009		Deficiency Notice — Potomac Navigation, Inc. Your Local Rule 103.3 disclosure statement has not been filed. The Statement must be filed by 2/12/2009 (raf, Deputy Clerk) (Entered: 02/03/2009)
02/09/2009	<u>3</u>	Local Rule 103.3 Disclosure Statement by Potomac Navigation, Inc.. (Giles, Alexander) (Entered: 02/09/2009)
03/02/2009	<u>4</u>	AFFIDAVIT of Service for Summons and Complaint served on Anita Kizzie on 02/06/2009, filed by Potomac Navigation, Inc.. (Giles, Alexander) (Entered: 03/02/2009)
03/02/2009	<u>5</u>	AFFIDAVIT of Service for Summons and Complaint served on Eric Holder, Jr. on 02/20/2009, filed by Potomac Navigation, Inc.. (Attachments: # <u>1</u> Exhibit)(Giles, Alexander) (Entered: 03/02/2009)
03/02/2009	<u>6</u>	AFFIDAVIT of Service for Summons and Complaint served on Rand R. Pixa on 02/19/2009, filed by Potomac Navigation, Inc.. (Attachments: # <u>1</u> Exhibit)(Giles, Alexander) (Entered: 03/02/2009)

03/19/2009	<u>7</u>	Consent MOTION for Extension of Time by United States Maritime Administration Responses due by 4/6/2009 (Adams, Larry) (Entered: 03/19/2009)
03/23/2009	8	PAPERLESS ORDER granting <u>7</u> Motion for Extension of Time. Signed by Judge William M Nickerson on 3/23/09. (cae, Chambers) (Entered: 03/23/2009)
04/10/2009	<u>9</u>	MOTION to Dismiss by United States Maritime Administration Responses due by 4/27/2009 (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Text of Proposed Order)(Adams, Larry) (Entered: 04/10/2009)
04/26/2009	<u>10</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>9</u> MOTION to Dismiss by Potomac Navigation, Inc. Responses due by 5/13/2009 (Giles, Alexander) (Entered: 04/26/2009)
04/27/2009	11	PAPERLESS ORDER in case 1:09-cv-00217-WMN; granting (10) Motion for Extension of Time to File Response/Reply ( Responses due by 5/14/2009, Replies due by 5/11/2009.) in case 1:09-cv-00218-WMN. Signed by Judge William M Nickerson on 4/27/09. Associated Cases: 1:09-cv-00218-WMN, 1:09-cv-00217-WMN(cae, Chambers) (Entered: 04/27/2009)
04/27/2009	12	PAPERLESS ORDER granting <u>10</u> Motion for Extension of Time to File Response/Reply. Signed by Judge William M Nickerson on 4/27/09. (cae, Chambers) (Entered: 04/27/2009)
04/29/2009	<u>13</u>	RESPONSE in Opposition re <u>9</u> MOTION to Dismiss filed by Potomac Navigation, Inc.. Replies due by 5/13/2009. (Giles, Alexander) (Entered: 04/29/2009)
05/11/2009	<u>14</u>	MOTION for Extension of Time by United States Maritime Administration Responses due by 5/28/2009 (Adams, Larry) (Entered: 05/11/2009)
05/11/2009	15	PAPERLESS ORDER granting <u>14</u> Motion for Extension of Time. Signed by Judge William M Nickerson on 5/11/09. (cae, Chambers) (Entered: 05/11/2009)
05/19/2009	<u>16</u>	MOTION for Extension of Time by United States Maritime Administration Responses due by 6/5/2009 (Adams, Larry) (Entered: 05/19/2009)
05/20/2009	<u>17</u>	RESPONSE in Opposition re <u>16</u> MOTION for Extension of Time filed by Potomac Navigation, Inc.. Replies due by 6/3/2009. (Attachments: # <u>1</u> Exhibit)(Giles, Alexander) (Entered: 05/20/2009)
05/21/2009	18	PAPERLESS ORDER granting <u>16</u> Motion for Extension of Time to June 4, 2009, to file Responsive Pleading. Signed by Judge William M Nickerson on 5/21/09. (caes, Chambers) (Entered: 05/21/2009)
06/04/2009	<u>19</u>	REPLY to Response in Opposition to <u>9</u> Motion to Dismiss and Defendant's MOTION for Summary Judgment filed by United States Maritime Administration. (Attachments: # <u>1</u> Exhibit 1)(Adams, Larry) Modified on 6/5/2009 (mcb, Deputy Clerk). Modified on 7/7/2009 (mcb, Deputy Clerk). (Entered: 06/04/2009)
06/22/2009	<u>20</u>	Consent MOTION for Extension of Time to File Response/Reply to <i>MARAD's Motion for Summary Judgment</i> by Potomac Navigation, Inc. Responses due by 7/9/2009 (Giles, Alexander) (Entered: 06/22/2009)
06/23/2009	21	PAPERLESS ORDER granting re <u>20</u> Consent MOTION for Extension of Time to File Response/Reply to <i>MARAD's Motion for Summary Judgment</i> . Signed by Judge William M Nickerson on 6/23/09. (caes, Chambers) (Entered: 06/23/2009)
07/06/2009	<u>22</u>	RESPONSE in Opposition to <u>9</u> Motion for Summary Judgment and/or SURREPLY in Further Opposition to Motion to Dismiss filed by Potomac Navigation, Inc. Replies due by 7/20/2009. (Attachments: # <u>1</u> Fitzgerald Affirmation)(Giles, Alexander) (1 paper copy submitted to Chambers on 7/9/09) Modified on 7/9/2009 (mcb, Deputy Clerk). Modified on 8/21/2009 (mcbs, Deputy Clerk). (Entered: 07/06/2009)
07/17/2009	<u>23</u>	Consent MOTION for Extension of Time by United States Maritime Administration Responses due by 8/3/2009 (Adams, Larry) (Entered: 07/17/2009)
07/20/2009	24	PAPERLESS ORDER granting <u>23</u> Motion for Extension of Time. Signed by Judge William M Nickerson on 7/20/09. (cae, Chambers) (Entered: 07/20/2009)

08/20/2009	<u>25</u>	MOTION for Extension of Time by United States Maritime Administration Responses due by 9/8/2009 (Adams, Larry) (Entered: 08/20/2009)
08/21/2009	26	PAPERLESS ORDER granting <u>25</u> Motion for Extension of Time. Signed by Judge William M Nickerson on 8/21/09. (cae, Chambers) (Entered: 08/21/2009)
08/21/2009	<u>27</u>	RESPONSE to <u>22</u> Response in Opposition to Motion for Summary Judgment and/or SURREPLY in Opposition to Motion to Dismiss filed by United States Maritime Administration. (Adams, Larry) Modified on 8/21/2009 (mcbs, Deputy Clerk). (Entered: 08/21/2009)
09/11/2009	<u>28</u>	Request for Hearing <i>as to MARAD's Motion to Dismiss and related Motion for Summary Judgment</i> . (Attachments: # <u>1</u> Lloyd's List Article – August 26, 2009)(Giles, Alexander) (Entered: 09/11/2009)
09/17/2009	<u>29</u>	ORDER re: Hearing on Motions to Dismiss and for Summary Judgment. Signed by Judge William M Nickerson on 9/17/09 Associated Cases: 1:09-cv-00217-WMN, 1:09-cv-00218-WMN(cag, Deputy Clerk) (Entered: 09/17/2009)
12/15/2009	<u>30</u>	MEMORANDUM. Signed by Judge William M Nickerson on 12/15/09. (mcb, Deputy Clerk) (Entered: 12/15/2009)
12/15/2009	<u>31</u>	ORDER denying <u>9</u> Motion of Defendant to Dismiss; denying <u>19</u> MOTION of Defendant for Summary Judgment. Signed by Judge William M Nickerson on 12/15/09. (mcb, Deputy Clerk) (Entered: 12/15/2009)
01/12/2010	<u>32</u>	Consent MOTION for Extension of Time <i>nunc pro tunc</i> by United States Maritime Administration Responses due by 1/29/2010 (Adams, Larry) (Entered: 01/12/2010)
01/15/2010	<u>33</u>	ANSWER to <u>1</u> Complaint by United States Maritime Administration.(Adams, Larry) (Entered: 01/15/2010)
02/01/2010	<u>34</u>	SCHEDULING ORDER: Status Report due by 6/16/2010. Signed by Judge William M Nickerson on 2/1/10. (mcb, Deputy Clerk) (Entered: 02/01/2010)
02/16/2010	<u>35</u>	Joint Correspondence re: ADR and No Consent to Proceed before U.S. Magistrate Judge (Giles, Alexander) (Entered: 02/16/2010)
03/08/2010	<u>36</u>	(FILED IN ERROR – DISCOVERY) AFFIDAVIT of Service for Subpoena for Production of Documents <i>on Kimley-Horn and Associates</i> served on Ken Dierks on 02/23/2010, filed by Potomac Navigation, Inc.. (Giles, Alexander) Modified on 3/15/2010 (mcb, Deputy Clerk). (Entered: 03/08/2010)
03/08/2010	<u>37</u>	(FILED IN ERROR – DISCOVERY) AFFIDAVIT of Service for Subpoena for Deposition <i>of Michael Iwashchenko</i> served on Michael Iwashchenko on 02/23/2010, filed by Potomac Navigation, Inc.. (Giles, Alexander) Modified on 3/15/2010 (mcb, Deputy Clerk). (Entered: 03/08/2010)
06/15/2010	<u>38</u>	Joint Correspondence re: Request for Modification of Scheduling Order (Attachments: # <u>1</u> Text of Proposed Order)(Giles, Alexander) (Entered: 06/15/2010)
06/17/2010	<u>39</u>	SCHEDULING ORDER: Status Report due by 11/16/2010. Signed by Judge William M Nickerson. (bmh, Deputy Clerk) (Entered: 06/17/2010)
07/20/2010	40	PAPERLESS ORDER finding as moot <u>32</u> Motion for Extension of Time. Signed by Judge William M Nickerson on 7/20/10. (cae, Chambers) (Entered: 07/20/2010)
11/17/2010	<u>41</u>	Status Report Submitted by Potomac Navigation, Inc. (Attachments: # <u>1</u> Text of Proposed Order)(Giles, Alexander) (Entered: 11/17/2010)
11/18/2010	<u>42</u>	SCHEDULING ORDER staying case until 1/28/11; setting deadline for joint status report. Signed by Judge William M Nickerson on 11/18/10. Associated Cases: 1:09-cv-00217-WMN, 1:09-cv-00218-WMN(das, Deputy Clerk) (Entered: 11/19/2010)
01/13/2011	<u>43</u>	STATUS REPORT by United States Maritime Administration. (Attachments: # <u>1</u> Text of Proposed Order)(Adams, Larry) (Entered: 01/13/2011)

01/19/2011	<u>44</u>	ORDER STAYING case and EXTENDING discovery. Signed by Judge William M Nickerson on 1/19/11. Associated Cases: 1:09-cv-00217-WMN, 1:09-cv-00218-WMN(hmls, Deputy Clerk) (Entered: 01/19/2011)
02/14/2011	<u>45</u>	STATUS REPORT by United States Maritime Administration. (Attachments: # <u>1</u> Text of Proposed Order)(Adams, Larry) (Entered: 02/14/2011)
02/15/2011	<u>46</u>	SCHEDULING ORDER STAYING litigation and EXTENDING discovery. Signed by Judge Richard D Bennett on 2/15/11. Associated Cases: 1:09-cv-00217-WMN, 1:09-cv-00218-WMN(das, Deputy Clerk) (Entered: 02/15/2011)
04/15/2011	<u>47</u>	Status Report Submitted by Potomac Navigation, Inc. (Giles, Alexander) (Entered: 04/15/2011)
06/14/2011	<u>48</u>	Status Report Submitted by Potomac Navigation, Inc., United States Maritime Administration (Giles, Alexander) (Entered: 06/14/2011)
06/15/2011	<u>49</u>	SCHEDULING ORDER STAYING actions WMN-09-cv-217 and WMN-09-cv-218; EXTENDING Discovery deadline. Signed by Judge William M Nickerson on 6/15/11. Associated Cases: 1:09-cv-00217-WMN, 1:09-cv-00218-WMN(dass, Deputy Clerk) (Entered: 06/15/2011)
08/01/2011	<u>50</u>	STATUS REPORT <i>Jointly</i> by Potomac Navigation, Inc., United States Maritime Administration, United States Environmental Protection Agency. (Attachments: # <u>1</u> Text of Proposed Order)Associated Cases: 1:09-cv-00217-WMN, 1:09-cv-00218-WMN(Zawitoski, JoAnne) (Entered: 08/01/2011)
08/02/2011	51	PAPERLESS ORDER re (50 in 1:09-cv-00217-WMN)(49 in 1:09-cv-00218-WMN) Status Report, Approving request that these two actions are stayed and discovery is extended until 10/31/11 filed by Potomac Navigation, Inc., United States Maritime Administration, United States Environmental Protection Agency. Signed by Judge William M Nickerson on 8/2/11. (cae, Chambers) (Entered: 08/02/2011)
10/03/2011	<u>52</u>	STIPULATION of Dismissal by United States Maritime Administration. (Adams, Larry) (Entered: 10/03/2011)
10/04/2011	53	PAPERLESS ORDER Approving re <u>52</u> Stipulation of Dismissal filed by United States Maritime Administration. Signed by Judge William M Nickerson on 10/4/11. (cae, Chambers) (Entered: 10/04/2011)
12/23/2011	54	PAPERLESS ORDER re: (58) granting Environmental Protection Agency's request to withdraw its response in opposition to plaintiff's request for additional discovery (55); granting Environmental Protection Agency's request to withdraw its motion to dismiss (56); and granting the parties' request to extend discovery until 2/15/2012 (57). Signed by Judge William M Nickerson on 12/23/11. Associated Cases: 1:09-cv-00218-WMN, 1:09-cv-00217-WMN(cae, Chambers) (Entered: 12/23/2011)